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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,132	10/23/2001	Alexander W. Whytock	9086.00	8040

26889 7590 08/25/2005

MICHAEL CHAN
NCR CORPORATION
1700 SOUTH PATTERSON BLVD
DAYTON, OH 45479-0001

EXAMINER

TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,132	Applicant(s) WHYTOCK, ALEXANDER W.	
	Examiner lan dai thi truong	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is response to communications: application, filed 10/23/2001; amendment filed 06/08/2005. Claims 1-18 are pending. Claims 1-14 are canceled. Claims 15-18 are added as new claims by applicant.

Response to Arguments

2. Applicant's argument filed 06/08/2005 have been fully considered but they are not persuasive.

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Carloganu et al. (U.S. 6,226,749), "Carloganu", herein after

Regarding to claim 15:

Carloganu discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for use in an encrypting key pad module comprising:

Receiving a file containing: (I) instructions, (II) data, and (III) a reference to an encryption key: (Carloganu discloses a command interpreter of security module which receives

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and segregates “the commands” those are equivalent to “instructions” and data: figure 11, items 150, 153, 155; column 11, lines 38-54, lines 59-61; column 12, lines 61-67; column 15, lines 24-30, 47-62; column 16, lines 1-35; column 20, lines 64-66)

Using the received instructions to process the received data and the referenced encryption key to derive a new key: (Carloganu discloses the command is executed and “the appropriate data” which is equivalent to “encryption key” is returned: figure 11, items 150, 153,155; column 11, lines 38-54, lines 59-61; column 12, lines 61-67; column 15, lines 24-30, 47-62; column 16, lines 1-35; column 20, lines 64-66)

Regarding to claim 16:

Carloganu discloses a method as discuss in claim 15, which further includes storing the new key in the encrypting keypad module: (Carloganu discloses “a security module includes a keypad” which performs function of “the encrypting keypad module”. Carloganu discloses a command interpreter receives and segregates the commands from instructions program and the data from keypad. After the commands are executed, “the appropriate data” which is equivalent to “new key” is returned: abstract, lines 1-2; column 10, lines 26-30; column 11, lines 38-54, lines 59-61; column 12, lines 61-67; column 15, lines 24-30, 47-62; column 16, lines 1-35; column 20, lines 64-66; figure 11, items 150, 153,155).

Regarding to claim 17:

Carloganu discloses a method as discuss in claim 15, which further includes interpreting the received instructions to generate code for implementing the instructions: (Carloganu discloses a command interpreter of security module which receives and segregates “the commands” those are equivalent to “instruction” and data. The commands are executed and the

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appropriate data is returned: figure 11, items 150, 153,155; column 11, lines 38-54, lines 59-61; column 12, lines 61-67; column 15, lines 24-30, 47-62; column 16, lines 1-35; column 20, lines 64-66)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C 103(a) as being un-patentable over Carloganu in view of Drummond B (U.S. 6,598,023)

Regarding to claim 18:

Carloganu discloses the invention substantially as disclosed in claim 15, but does not explicitly teach wherein the file has a structure comprising tagged commands and data

However Drummond discloses “a message” which is equivalent to “a file” which includes “documents” those are equivalent to “data” and “tags” those are equivalent to “tagged commands”, see (Drummond: abstract, lines 1-6; column 2, lines 42-62; column 5, lines 27-40; column 6, lines 33-58)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Drummond’s ideas of using a message which includes data and

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tag with Carloganu's system in order to use the tags and codes (instructions) to define and operate the documents, see (Drummond; column 2, lines 42-62).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

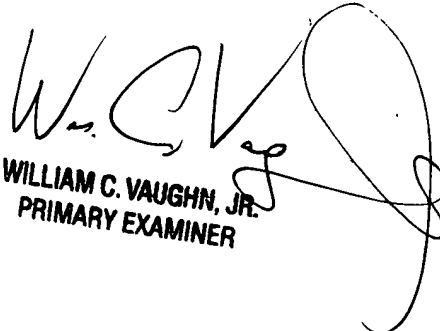
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2143

Ldt
08/16/2005


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER